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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA
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12 United States of America,)
13 Plaintiff,) No. CR-95-0320-09-PHX-RCB
14 vs.) O R D E R
15 Juan Morales Garza, III,)
16 Defendant.)
17

18 On January 14, 2013, a "Superceding Petition to Revoke
19 Supervised Release" as to defendant Juan Morales Garza, III,
20 was filed (Doc. 1344). Granting the defendant's motion to
21 continue the disposition hearing as to that petition, the
22 court reset that hearing to May 20, 2013, at 10:00 a.m. Ord.
23 (Doc. 1355) at 1. In the meantime, upon defendant's request
24 to enter an admission to the allegation that he violated
25 conditions of supervised release, this matter was referred to
26 U.S. Magistrate Judge David K. Duncan for a hearing on May 7,
27 2013 with the written consents of the defendant, counsel for
28 the defendant, and counsel for the United States of America.

1 Following that hearing, the Magistrate Judge made eight
2 explicit findings, which form the basis for his
3 recommendation that this court accept the defendant's
4 admission to violating his supervised release. See Findings
5 and Recommendation of the Magistrate Judge Upon an Admission
6 and Order (Doc. 1360) at 1:23 - 2:10.

7 There being no objection to any of those findings or that
8 recommendation, the "Findings and Recommendation of the
9 Magistrate Judge Upon Admission and Order" (Doc. 1360),
10 entered on May 8, 2013, are **INCORPORATED BY REFERENCE** as if
11 fully set forth herein and **ADOPTED** in their entirety.

12 Further, because the filing of the "Superceding Petition
13 to Revoke Supervised Release" supplants the original
14 "Petition to Revoke Supervised Release" (Doc. 1307), the
15 court **DENIES** as moot the Findings and Recommendation of the
16 Magistrate Judge Upon Admission (Doc. 1336) as to that
17 original petition.

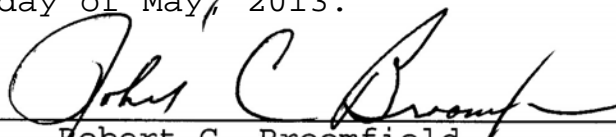
18 Accordingly, **IT IS ORDERED** that:

19 (1) the "Findings and Recommendation of the Magistrate
20 Judge Upon Admission and Order" (Doc. 1360), entered on
21 May 8, 2013, are **INCORPORATED BY REFERENCE** as if fully
22 set forth herein and **ADOPTED** in their entirety;

23 (2) defendant Juan Morales Garza, III's admission on the
24 Superceding Petition to Revoke Supervised Release is
25 **ACCEPTED**; and

26 (3) the "Findings and Recommendation of the Magistrate
27 Judge Upon Admission" (Doc. 1336) are **DENIED** as moot.

28 DATED this 20th day of May, 2013.


Robert C. Broomfield
Senior United States District Judge

1 Copies to counsel of record

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